

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.



Howard Reed
Director Resource Assessments

Sydney 29 June 2017

SCHEDULE 1

The Project Approval (PA 08_0143) for the Bass Point Quarry Project granted by the delegate of the Minister for Planning and Infrastructure on 28 January 2014.

SCHEDULE 2

1. In the list of Definitions, delete the following terms and their definitions: "Director-General", "DRE", "Minister", and "NOW", and insert the following definitions in alphabetical order:

| | |
|------------|---|
| DRG | Division of Resources and Geoscience of the Department |
| DPI Water | Department of Primary Industries – Water |
| EA (MOD 1) | Modification Application PA 08_0143 MOD 1, and the accompanying Environmental Assessment titled <i>Section 75W Planning Assessment Report</i> prepared by Hanson Construction Materials Pty Ltd and dated April 2017 |
| Incident | A set of circumstances that: <ul style="list-style-type: none">• causes or threatens to cause material harm to the environment; and/or• breaches or exceeds the limits or performance measures/criteria in this consent. |
| Minister | Minister for Planning, or delegate |
| Secretary | Secretary of the Department, or nominee |

2. Delete all references to "Director-General" and replace with "Secretary".
3. Delete all references to "DRE" and replace with "DRG".
4. Delete all references to "NOW" and replace with "DPI Water".
5. Delete all references to "shall" and replace with "must", with the exception of the reference contained in the third paragraph of condition 14 of Schedule 2.
6. Delete conditions 2 and 3 of Schedule 2, and replace with:
 2. The Proponent must carry out the project:
 - (a) generally in accordance with the EA and EA (Mod 1); and
 - (b) in accordance with the statement of commitments and the conditions of this approval.

Notes:

- The general layout of the project is shown in Appendix 1 and Appendix 2.
- The statement of commitments is reproduced in Appendix 3.

3. If there is any inconsistency between the documents in condition 2(a), the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

7. Delete condition 16 of Schedule 2 and insert the following:

COMPLIANCE

16. The Proponent must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.
8. In conditions 6, 13, 16, 24, 33, 37 and 40 of Schedule 3:
 - (a) delete the words “and implement”; and
 - (b) at the end of the condition, insert “The Proponent must implement the approved management plan as approved from time to time by the Secretary.”
9. In condition 1 of Schedule 4, insert the words “, and no longer than 7 days,” after the words “As soon as practicable”.
10. In condition 2 of Schedule 4:
 - (a) in sub-paragraph (b), delete the full stop and replace with “; and”
 - (b) after sub-paragraph (b), insert:

“(c) comply with any written requests made by the Secretary to implement any findings of the review.”
11. In condition 1 of Schedule 5:
 - (a) delete the words “and implement”; and
 - (b) at the end of the condition, insert “The Proponent must implement the approved strategy as approved from time to time by the Secretary.”

12. After condition 1 of Schedule 5, insert:

Evidence of Consultation

- 1A. Where consultation with any public authority is required by the conditions of this approval, the Proponent must:
 - (a) consult with the relevant public authority prior to submitting the required document to the Secretary for approval;
 - (b) submit evidence of this consultation as part of the relevant document;
 - (c) describe how matters raised by the authority have been addressed and any matters not resolved; and
 - (d) include details of any outstanding issues raised by the authority and an explanation of disagreement between any public authority and the Proponent.
13. In condition 2 of Schedule 5, delete all words after sub-paragraph (a) and replace with:
 - (b) consider all reasonable and feasible options for remediation (where relevant);
 - (c) within 14 days of the exceedance occurring, submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action; and
 - (d) implement remediation measures as directed by the Secretary;to the satisfaction of the Secretary.
14. In condition 5 of Schedule 5, after the words “for approval.”, insert “The Proponent must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.”

15. After condition 5 of Schedule 5, insert:

Updating and Staging of Strategies, Plans or Programs

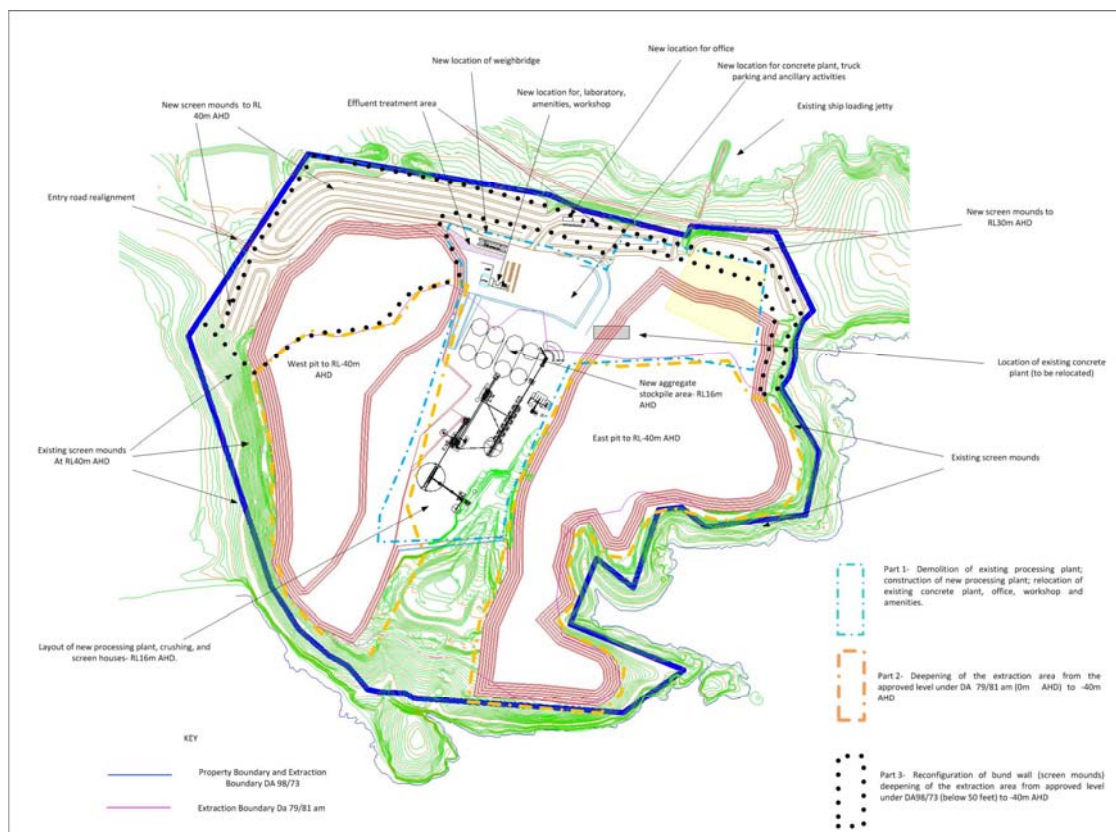
- 5A. To ensure that strategies, plans or programs required under this approval are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the development, the Proponent may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Proponent may also submit any strategy, plan or program required by this approval on a staged basis.

The Secretary may approve a revised strategy, plan or program required under this approval, or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the Proponent may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this approval.

While any strategy, plan or program may be submitted on a staged basis, the Proponent will need to ensure that the operations associated with the development are covered by suitable strategies, plans or programs at all times.

If the submission of any strategy, plan or program is to be staged; then the relevant strategy, plan or program must clearly describe the specific stage/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.

16. In condition 6 of Schedule 5, delete the words “*Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version)”, and replace with “Department’s *Community Consultative Committee Guidelines, November 2016* (or later version)”.
17. Delete condition 7 of Schedule 5 and replace with:
 7. The Proponent must immediately notify the Secretary (using the contact name, email address and phone number provided by the Department from time to time) and any other relevant agencies of any incident.
 - 7A. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. This report must include the time and date of the incident, details of the incident, measures implemented to prevent re-occurrence and must identify and non-compliance with this approval.
18. In Appendix 1, delete the Project Layout Plan and replace with:



19. In Appendix 6, delete condition 3.
20. Update the Table of Contents, as required, to reflect the above changes.